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The New York Times, Kurt Eichenwald and the World of Justin Berry

Hysteria, Exploitation and Witch-Hunting In the Age of Internet Sex

By Debbie Nathan

The latest scandal at the *New York Times* revolves around former business investigative reporter Kurt Eichenwald. He wrote the best-selling book about the Enron scandal, *Conspiracy of Fools*, and late last year quit the *Times* to work at *Portfolio*, a financial magazine soon to be launched by Condé Nast. In early March, a *Times* editor's note revealed that in 2005 Eichenwald sent $2,000 from his personal funds to a teenager named Justin Berry. Justin then became Eichenwald's main source for a sensational story about teens who use webcams to make sexual imagery of themselves, and even live sexual performances, then post the material online, where it's available to adults.

Eichenwald's editors did not know about the $2,000 until a few weeks ago, and after the editor's note came out, Eichenwald told a long, convoluted story about having acted as a "private citizen" when he gave Justin the money. He also said he'd neglected to tell the *Times* about the payment because it simply slipped his mind. That claim, however, was challenged on March 25 by the *New York Times'* public editor Byron Calame. He told readers that weeks after Eichenwald's article came out, the *Times* received a tip that Eichenwald had sent a large amount of money to Justin while reporting the story. Eichenwald was asked about it by his editor, Larry Ingrassia, but acted as though the charge was beneath contempt and still said nothing about the money. In his public editor column, Calame wrote that *Times*' editors were "misled by Mr. Eichenwald on the $2,000 payment". And Calame characterized as "baloney" Eichenwald's claim that he didn't have to disclose the transaction to his editors because he was acting as a private citizen. Still, Calame demurred that while the reporter broke ethics rules while reporting his article, at least "no facts in it have required correction."

But there's plenty that requires correction, according to dozens of documents examined by *CounterPunch*, to interviews conducted recently with Justin Berry's former friends, and to trial testimony in several criminal proceedings. This material suggests that Eichenwald's reporting was shockingly sloppy and that – intentionally or unintentionally – his sloppiness advanced some of the most malign and dangerous politicking currently going on in the country.

Periodically, the United States quakes with child sex abuse panic when society gets especially spooked about shifting ethnic relations, changing gender roles, advancing technology and the meanness of life limned by laissez-faire and consumerism. These days we live in war culture, market culture and the culture of self-possession and fame. Teens are recruited to Iraq via a military which touts itself as "an army of one". Images of their bodies are used in ads to sell things, even as they are denied education about sex. Amid this comes the dazzle and anarchy of the Internet – a medium that parents barely grasp but which youth wear like skin and e-paper with e-portraits – digital images of themselves clothed, partially clothed, and unclothed. They want to be American Idols. Who can blame them? Fifteen-year-olds desire our vote and will post sex pix of themselves to earn it. We stew about this. We panic. We want scapegoats. The *New York Times* is there to help.

Eichenwald's article certainly impacted the prison sentences – incarceration for hundreds of years – of a group of young, mostly gay men. Their sexual involvement with gay and bisexual teenagers probably would not have called out law enforcement if Eichenwald's employers hadn't published his poorly reported, inflammatory work about Justin Berry. That writing led to Con-

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gressional hearings where baseless, exaggerated claims were made about the financial might and dangers of child porn. The "war against terror" since the Twin Towers fell has opened up a second front, in the form of draconian, cruel treatment of sex offenders, including children. The *New York Times* added fuel to the furor by publishing the work of Eichenwald. The paper has much to answer for. So does the reporter.

It may be a while, if ever, before he does. Since the $2,000 payment surfaced, Eichenwald has denied engaging in checkbook journalism. He says he ran across a photo of Justin online – with no last name – while researching a story idea about Internet fraud. The image appeared to him to be of someone about 14 years old, and it was on a porn site. Eichenwald says he was very worried that Justin was a child victim of sexual exploitation, and he and his wife vowed to find the boy and rescue him if necessary. Eichenwald now insists he was acting not as a journalist but as a Good Samaritan. He sent the $2,000 check, he has said, because he feared Justin was about to be auctioned off for a night as a child prostitute.

He thought mailing money would cancel the auction and be a chance to get Justin's name and address (which Eichenwald did get, but did not give to the police).

After several weeks of communicating with Justin online and still not knowing how old he was, Eichenwald says, he arranged a meeting on June 30, 2005 in Los Angeles. There, he learned that the picture he had seen was taken years ago, and Justin was now almost 19. He really had been involved in online porn – porn that he'd made of himself. But now he was an adult who was recruiting minors to make masturbation videos. Eichenwald says that five days after this first meeting, Justin gave the impression he was ready, as Eichenwald later put it, to "flip on his own industry". Only then, Eichenwald now says, did he don his reporter's hat, eventually getting access to what he has called "the biggest jackpot: hundreds and hundreds of chat log conversations" and other materials showing the teen had been deeply involved in webcam porn.

Even though this work clearly made Eichenwald a reporter, he continued giving Justin personal help. He found the young man a doctor. And he found a lawyer who helped get Justin immunity from prosecution in exchange for information about his illegal business, his subscribers, and the people who'd helped him create websites and collect money. Eichenwald wrote a reporter's essay describing these unorthodox activities. In it, he never described himself as a private citizen during any time that he was in touch with Justin Berry. And he "forgot" to mention the check.

He had first communicated with Justin in May or June 2005. And by October, Eichenwald has testified, he'd prepared a three-part series for the *New York Times* focusing on web-hosting services and credit-card processors that enabled teens to receive gifts and money for sexual performances. But, he also testified, in several months he'd found only about 90 minors whose webcam images had caught the attention of adults attracted to adolescents. *Times* editors therefore had "some level of discomfort" with the idea of running so many words on the subject. "Someone said, 'This isn't World War II'", Eichenwald recalls one editor saying. "There was a concern" that the *Times* would be making teen sexual webcamming "seem far worse than we knew it to be". Instead of scrapping the story completely, however, the editors sent Eichenwald back to the drawing board to do just one piece, focusing on a single child as "a tour guide" into this world. Eichenwald had only one teen on the record: Justin. He used him as his main source, quickly working to fashion a new piece. When it came out in December, it described how Justin had spent several years using webcams and other Internet technology to make and send porn of himself, starting when he was about thirteen – and how he'd made hundreds of thousands of dollars as – in Justin's words – a "webwhore" or "camwhore".

The article was a blockbuster, and the rest of the media loved it. *Slate*'s Jack Shafer was the only press critic to vigorously question Eichenwald and the *New York Times* for acting more as agents of the government than as the Fourth Estate in their relationship with Justin Berry. That criticism came on the heels of the Judith Miller affair, in which Miller was widely seen as having published disinformation that fueled the U.S. invasion of Iraq.

The government quickly got involved with Eichenwald and Justin. The *New York Times* article spurred congressional hearings by the House Committee on Energy and Commerce, in April 2006, about the danger posed to youth by the Internet.

Eichenwald and Berry testified at one session. Before and just after the hearing, they appeared on major TV talk shows including *The Oprah Winfrey Show* and *Larry King Live.* There, the reporter and his source warned audiences that these days, clever "predators" and "pedophiles" are everywhere in cyberspace and can easily turn teens into sexual performers on the net. "Hundreds and hundreds" of children are being "lost" to the porn industry, Eichenwald said on the shows and at the hearing, because teens are using webcams to send images of themselves into cyberspace – for free or for gifts and money. He warned that even the wildly popular teen and young adult social site MySpace is "the virtual Sears catalogue

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for pedophiles." Justin added that the details of what happened to him were "not the story of a few bad kids whose parents paid no attention". Teens at risk, Eichenwald added, are those who suffer from "loneliness". In fact, Eichenwald said, every single adolescent he found while reporting on the camwhore industry had this problem.

Justin Berry's life was one of loneliness, according to Eichenwald. His *Times* article described Justin as an adolescent with few friends, who got his first webcam hoping to meet girls. Instead, he was quickly contacted by men and seduced into camwhoredom. Except for these men, however, supposedly no one knew that Justin was spending much of his life in the sex trade. His mother has testified and told TV talk-show hosts that she never noticed what Justin was doing and Eichenwald has not questioned her claim. Other family members were purportedly equally unaware. Friends didn't know either, for a long time, according to Eichenwald. Nor did the authorities suspect anything.

Eichenwald's work and media statements imply that the enterprise Justin was involved in such "a vast, criminal conspiracy" – as he said on *Larry King Live* – so far-reaching, insidious and secretive, that teens can be victimized for years without anyone knowing except the "predators". These men, Eichenwald said on *Oprah,* are "the most manipulative people I have ever encountered in my life, working day after day after day on a child, to get that child to do what they want. They are very successful." He warned further that "your kid is going to be lured into this." Later, on *Paula Zahn Now*, he compared webcams to "guns and alcohol". Back on *Oprah* he proclaimed, "Every webcam in every child's room in America should be thrown out today".

"Thank you, Kurt," Oprah said at the end of Eichenwald's appearance. "Bravo. Bravo." With prime-time kudos like this, Eichenwald's work served as the pop-culture battering ram for a government-sponsored war against humane, constructive treatment of sex offenders, not to mention reason, free speech and civil liberties in general.

Less than four months after Eichenwald and Justin Berry gave their congressional testimony, President Bush signed the Adam Walsh Child Protection Act. Under this new law, convicted sex offenders – including some children as young as fourteen at the time of their offense – are listed on a national Internet database for at least 15 years. Adults are listed even if they committed nonviolent offenses: public urination is one possible act that can lead to inclusion, for instance, as is mere possession of child porn.

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Meanwhile, Oklahoma, Louisiana and South Carolina now mandate capital punishment for raping a child. The Texas House of Representatives voted last month for the death penalty for repeat sex offenders. (Because most sex crimes against children are committed by family members, many Texas prosecutors worry the law's punitiveness would discourage kin from reporting crimes against children. Several child protection advocates also note that a capital penalty may cause offenders to murder children after committing abuse, since there would be nothing to lose by offing the victim).

The past several months have also seen more states enacting laws to impose "civil commitment" on people who've served their time for sex crimes and lock them up for years in mental hospitals. Nineteen states now have these laws, even though, as even the Justice Department acknowledges, recidivism rates for sex offenders are much lower than for people who commit other crimes. The *Hartford Courant* recently compared current civil commitment policy to "the Bush administration's decision to suspend due process rights and incarcerate suspected terrorists indefinitely without charging them." It's "Guantanamo for Sex Crimes," said the *Courant*.

The terrorism metaphor is actually almost literal. The DOJ has been swinging the Internet-kid-exploitation-fear pendulum in front of Americans since shortly after September 2001. Amid popular worry that the ensuing Patriot Act violates privacy rights, the feds constantly counter that they use its provisions to fight not just terrorism, but also Internet child porn. In politics today, invoking that fight also makes a good personal defense. U.S. Attorney General Alberto Gonzalez has lately been under bipartisan attack for firing several U.S. attorneys and for revelations that the FBI has abused its authority under the Patriot Act to seize the personal records of thousands of citizens and legal residents. The *Washington Post* reported that Gonzalez said he wasn't fazed by the criticism, and that he would continue to focus on "his key initiatives, including programs aimed at prosecuting child pornography".

And the fight is used to justify attacks on adult entertainment. "Child pornography and sexual enticement", Gonzales said weeks after Eichenwald's and Justin's congressional testimony, "are not the only criminal activities that threaten our society. Obscenity debases men and women, fostering a culture in which these heinous crimes against our children become acceptable. That's why I formed the Obscenity Prosecution Task Force in the Criminal Division" – to prosecute people who use grown-up performers to make sex videos for grownups. At the same event, Gonzales proclaimed that "we are in the midst of an epidemic of sexual abuse and exploitation of our children" and that we must do "battle" with the problem.

In fact, studies show that child sex abuse seems to have declined during the past decade, and criminologists note

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that most kiddie porn is made by kids' own family members (if not, lately, by the kids themselves).

Columbia University forensic psychiatrist Richard Kreuger who specializes in treating sex offenders wrote in the *Los Angeles Times* recently about the disconnect between reality and rhetoric, and about the policy fostered by such florid talk. "What is happening now with individuals who have committed sex crimes," Kreuger wrote, "is the modern-day equivalent of a witch hunt." By publishing Eichenwald's work (then praising it, as public editor Byron Calame did in January 2006), the *New York Times* threw gasoline on this firestorm of hysteria.

But Eichenwald himself has had a bumpy ride lately. On the heels of the emergence of the $2,000 check last month, *Portfolio* announced it was postponing publication of a flagship article on terrorism that Eichenwald wrote for the first issue of the new magazine. Press critics and bloggers were pursing their lips and snickering. And many had an opinion about why Eichenwald wrote the check to Justin. For most, the scandal was all about the money. But the buck doesn't stop with the buck. The raft of material I have reviewed for *CounterPunch* tells another story – not only of Justin's life, but also of Eichenwald's deficient reporting.

Most of this material has emerged since Eichenwald wrote his December 2005 piece. It has come to light mainly through the work of both defense attorneys and prosecutors. As a result of Eichenwald helping Berry approach the DOJ for immunity and because of the *New York Times*' piece that followed, four men were accused of working with the underage teen to make and distribute child porn. Three of them are gay, and three were in their twenties when they became involved with Justin. One, Greg Mitchel, pleaded guilty of making child porn and helping distribute and collect payment for it. His projected release date from prison, according to the federal government, is the year 2136. Another of the accused, Aaron Brown, awaits trial on similar charges. A third, Timothy Richards, was convicted in federal court in Nashville last August, on various charges including some related to managing one of Justin's websites. He is slated for sentencing in May and could get 220 years. The fourth defendant, Kenneth Gourlay, was convicted in March of multiple criminal counts. He is the only defendant charged with having had physical sexual contact with Justin. He faces up to twenty years and will be sentenced in early May.

The documents generated by these cases include chat logs between Justin and his friends, associates and customers; FBI and other investigative interviews; and trial testimony – including from Justin, his mother, and Kurt Eichenwald. This material suggests that Eichenwald was, to put it at its mildest, careless in portraying Justin as a straight-ahead heterosexual boy alone in the world and helplessly adrift in a swamp of all-powerful pederasts.

That version of the teen's life would work nicely for Hollywood or Lifetime Television. It makes great grist for moral conservatives, technophobes and witch hunters. But it says nothing about Justin's or other teens' actual lives: on the net, amid rampant consumerism, and in a world where the line between gayness and straightness is much fuzzier for young people than for their elders – yet where boys, especially, are still under grinding pressure to insist, while they're testing that line, that they're not really exploring their erotic impulses, they're just doing it for the money. Or worse, because they were duped. Nor does Eichenwald's version suggest anything that adults might think about or do to help adolescents – straight or gay – grow safely and happily into their emerging sexuality. The Justin Berry story that emerges from *CounterPunch*'s investigation, however, does help us move in that direction.

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The World of Justin Berry

First of all, he was no loner. On the witness stand at Gourlay's trial in Michigan, Justin's mother, Karen Page, testified that her son had "tons of friends" as a teen and was popular enough to be elected president of his high-school freshman class in Bakersfield, California. Throughout high school, recalls a friend from childhood, Rob Vella, Justin "liked to surround himself with people and be the center of attention". He had several girlfriends, adds Vella. And he was a regular at Bakersfield LAN (local area network) parties. These are events that occur nationwide, where large groups of young, mostly male cyber-enthusiasts gather in, say, a church hall. There they spend all night hooked up to each other's computers, playing online games such as *Battlefield*, *Call of Duty*, and *F.E.A.R. Combat*. Eichenwald mentioned none of this in his article.

Nor did he discuss a telling piece of information that emerged in an FBI interview of Justin done in July 2005, months before Eichenwald wrote his piece. In that interview, Justin describes how he got a webcam at age 13 – as Eichenwald does say in his *Times* article – and went online with it, only to encounter grown men who flattered him, eventually persuaded him to remove pieces of clothing, and encouraged him to masturbate on camera in exchange for gifts and cash. According to old website archives, by the time Justin was 16, his site was accepting credit card payments; it also asked customers to "vote" for him as their favorite performer.

What Eichenwald does not mention is the segment in the FBI interview where Justin mentions another Bakersfield boy, Vic (whose name has been changed to protect his privacy). According to Rob Vella, Vic and Justin were good friends during adolescence.

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"Michelle, I'm whoring to help out some friends. It's the only way I can think of how to get that much money, instantly... it's a job, and I enjoy it... I guess you don't see what I'm trying to accomplish with my cam."

Vic wore "exotic clothes, eyeshadow and fingernail polish" to school, recalls Vella.

Justin told the FBI that Vic was a year older than he. According to Justin's FBI interview, his first sexual experience with a man he met on the net was not just a coupling. It was a threesome, involving Vic. Justin also told the FBI that the grown man involved in this trio was Gilo Anthony Tunno, who was about 25. Tunno traveled to Bakersfield from his home in Oregon, dallied sexually with Justin and Vic in a hotel, and made videos. Justin said he was 13 when this happened. Doing the math with his birth date, his first sexual experience with a man occurred between summer 1999 and summer 2000.

Was Justin traumatized by the incident? It's hard to tell, because just after this period, he claims he was physically assaulted by his father, Knute Berry.

Knute and Karen Page, Justin's mother, were divorced in the late 1990s. One reason they broke up, Page would later testify in court, was because Knute had been verbally and physically abusing Justin ever since he was a young child. By the time of the divorce, Knute's violence had already come to the attention of authorities. In 1994 he was charged with battery on an adult and with disturbing the peace (two charges were later dismissed, and he received probation for a third). Page further testified that during a father-son visit at Justin's grandmother's home after the divorce, Knute rammed Justin's head into a door. Justin went to the hospital, and has since testified that he still has scars from the incident. Page got a restraining order barring Knute from seeing Justin. Knute was also charged with inflicting injury on, and willful cruelty to, a child. The case was filed in November 2000. In court a few months later, Justin testified against his father, but Knute said his son's injuries were accidental, and he was acquitted. Justin has since said he believes the verdict was the product of irregularities such as payoffs.

The acquittal occurred in early 2001, during the second semester of Justin's freshman year of high school. A classmate during this time, Christopher (who does not want his last name published), recalls that up until that time Justin had always been a "cool" person. But one day "his mood kind of snapped. He got wild and vicious. He almost got kicked out of school for hitting a girl with a cell phone. Everyone noticed how he'd changed. It was strange."

Who had turned Justin from being a "happy kid" for whom "life was going well" and "everything was great" – as he would later tell Congress and Oprah Winfrey – into a "pretty messed up kid"? Was the culprit the first grown man he had a sexual encounter with, or his 14-year-old friend Vic, who was involved in that incident? Or was it his dad, Knute Berry, who was accused and perhaps unjustly acquitted of bashing his son's head and leaving permanent injuries? The timing of the teen's symptoms suggests Knute was most to blame. But even if Justin's problems were related to having been touched sexually, one thing seems certain: the person doing the touching was not Ken Gourlay.

Gourlay was about 22 when he first ran across Justin's camwhoring. A University of Michigan student who ran a small web-hosting business in Ann Arbor Gourlay – now 29 – is slender and buff, with prominent cheekbones. On a blog that he maintained a few years ago, he described his opposition to the war in Iraq, urged people to sign a George Bush impeachment petition, and talked about how he enjoyed making pumpkin pies. Gourlay calls himself gay, and according to testimony at his trial, he is sexually attracted to adolescents. Also according to testimony, his twenties were marked by boyfriend relationships and sexual liaisons with 14- and 15-year-olds, also identified as gay.

Gourlay ran into Justin on the Internet when Justin was 13 or 14, according to interviews with law enforcement authorities and court testimony that Justin has given in the past several months. After Gourlay saw Justin camwhoring online, he contacted him, and the two discussed computers because Gourlay had advanced coding skills. He started mentoring Justin in coding. They became fast online friends. Justin would later testify that there was no one he was closer to than Gourlay, that he "wanted to be just like him," and that he "told Gourlay everything", including that he loved him. They did not meet in person until Justin was 15.

But that's not what Eichenwald wrote in his *New York Times* article. There, he claimed that Justin's first face-to-face sexual encounter with an adult occurred when he was only 13, with "a man… from Ann Arbor, Mich." Eichenwald further wrote that the man – who could only have been Gourlay – first met Justin when he "lured" the unsuspecting teen into attending a summer computer camp for kids in Ann Arbor, so he could seduce Justin while he was far from "the relative safety of his home".

In fact, according to court testimony given by Justin after Eichenwald's piece was published, Justin didn't go to summer camp until he was almost 16 and he'd already met Gourlay a few months before that – again, however, when he was 15, not 13. A year before this first meeting at age 15 – also according to later testimony – Gourlay had asked Justin to move to Michigan and live with him to work as Gourlay's "Executive Director of Sales". Justin asked his mother, Karen Page, if he could accept the job. Page would later testify that she found the idea "ridiculous" because Justin was only 14. But she has never

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publicly indicated that any red flags went up in her mind about Gourlay's intentions.

Instead, the following year – with no knowledge of who Gourlay was except for information from Justin (he incorrectly told her his friend was a "youth minister" and an "adjunct professor" at the University of Michigan) – Page let her 15-year-old son fly to Michigan alone, to meet Gourlay. Justin had hatched a plan with Gourlay to drive to Virginia so Justin could have sex with a 13-year-old girl he'd met weeks earlier on a family Easter vacation to Florida. Gourlay offered to be the chauffeur. During the road trip, Justin has since testified, Gourlay stuck his hand down the teen's pants and fondled him. (Gourlay has denied that anything physical occurred.)

Two months later, Justin eagerly asked his mother to send him back to Michigan, to the summer camp, which specialized in computers. On the first day, he was threatened with expulsion after being accused of smoking. While the matter was being straightened out, Karen Page gave permission for Justin to leave the camp with Gourlay. Justin would testify later that the two again had sexual contact. (Gourlay has said nothing improper happened this time, either.)

There were more trips with men, which Page allowed. In November 2002, Justin, now 16, said he wanted to attend a computer convention in Las Vegas with Gourlay. Page agreed, not knowing that Justin was lying and that the man he was really going with was Gilo Tunno, the first adult he had done sexual things with in person, when he was about 13. Then, two weeks after returning from Las Vegas, Justin *again* asked to visit Gourlay (this time he really did intend to go to Michigan). Again, Page said yes. Gourlay admitted in instant messages he made sexual overtures to Justin during this visit. But the age of consent in Michigan is 16, so if Justin had accepted the advances the sex would have been legal. He rejected them, however, and angrily caught a plane back to Bakersfield.

Gourlay begged forgiveness via email. On his blog a few days later he posted an allegory titled "Mistakes", about a boy who befriends a rabbit in the woods in the cold of winter and accidentally burns the animal with a match while trying to keep it warm. "The boy loved the rabbit, and vowed never to hurt it again," Gourlay wrote. But one day the rabbit, seeking warmth, hopped into a "cooking fire… left by some hunters". The boy tried to save the rabbit but it had lost half its fur and fled. "Tears were running down the boy's face", Gourlay's post continues. "Then, the rabbit stopped. The boy was puzzled at first, as he slowed down. Then, overjoyed, he ran up to where the rabbit had stopped. Now crying for joy, the boy knelt down and began to apologize for scaring the rabbit. But as quickly as the rabbit had stopped, the boy then stopped and stared. The rabbit was dead."

Meanwhile, what was Karen Page thinking? Or, as Larry King asked Justin later on his show: "Where was your mother?" Page seems to have been utterly oblivious to her son's camwhoring and to the fact that his older male friends were sexually interested in him – though, according to numerous documents and to court testimony, clues were everywhere.

"She's just jealous... It's not like you're doing it for yourself. You're helping friends. It's not like you're having sex with people online."

In a chat log retrieved last year from Justin's computer hard drives, for instance, dated from when Justin had recently turned 15, he tells an online contact that he can't send a picture of himself because "my mom took my camera". "That sux!" answers the contact. "Guess who just talked and convinced his mom to give him the webcam everyday when she gets off work?" Justin emails a while later. "Why did she take it away in the first place?" asks the contact. "Lol [laugh out loud]," replies Justin, "because she found my porn." He sent a similar message to another online correspondent, adding, "Alright! It's showtime!!"

Presumably, he then began masturbating.

In his article, Eichenwald did not mention evidence suggesting that Page found porn associated with Justin's webcam. He did acknowledge that Justin's sexual performances were earning him mountains of perks from his customers – fancy new computer equipment and gobs of cash. Eichenwald has repeated Page's contention that she thought all this capital was profit from a desktop web-design business that Justin started when he was 12 to earn pin money. Old websites from the business advertise services, such as removing "red eye" from family photos, that were priced at $5 or $10. It's a stretch to think a 15- or 16-year-old amateur webpage maker in Bakersfield could earn $250 to $1,000 a day, but that's what Justin testified he pulled in. Christopher, the friend from his freshman year who'd noticed Justin seemed troubled, remembers going to Justin's and noticing that the rest of his house was modestly furnished, but his bedroom was a veritable wonderland of pricey cyber-gadgetry. Christopher was puzzled. More than that, he was jealous. In retrospect, he says, he thinks Justin may not have invited him to camwhore because at the time "I was real overweight."

Justin wasn't acquiring only computers. Sometime after he turned 16 and could obtain a drivers license, he got a 1999 Chevrolet Cavalier. He named it "HackerCar" and spent thousands of dollars outfitting it with add-ons. He proudly listed many of them on a car fixer upper website, including: chrome rims, shaved side markers, back window tinting, a specially painted dash, tweed inner doors, red racing seats, and a personalized license plate (1337 HAX).

Page does not seem to have wondered how he could afford all this. Eich-

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enwald did not mention the Chevy.

Chat logs from Justin's hard drives also indicate that by summer 2002, when he was turning 16, he had quit public school and was studying through an online, homeschooling program. They suggest, too, that his mother was coordinating his lessons with the program. Justin's friend Rob Vella also left high school to home school. "It was a joke," he told me. "We did it so we could get out of class." And while out of class, Justin had even more time to camwhore.

He also got his own apartment at age 16, where he could do business for hours in guaranteed privacy. Gilo Tunno – the man who Justin later said had filmed him while they were having sex when he was 13 – signed the lease; Justin was too young to do so. Page has since testified that a few months after he got the apartment, Justin's stepbrother tattled to her about it. But Page has not publicly talked about examining the lease, or investigating why an adult male would want her underage son to have his own place. (It is not known whether Page's husband – Justin's stepfather – asked either his son or stepson about the apartment or if he suspected Justin was camwhoring. He lived in the same home as Justin did in Bakersfield. He has never made any public statements about Justin's case and declined to be interviewed by *CounterPunch*.) Though Eichenwald mentioned the apartment in his article, he did not reveal that Justin's mother knew about it but apparently did nothing.

It may seem strange that Karen Page repeatedly allowed her son to travel unaccompanied to visit men she'd never met and whom she knew nothing about; that she let Justin leave regular school; and that she learned he had his own apartment but never put two and two together. Stranger still is that for years Page has been a licensed marriage and family therapist. On a website (created by Justin) that advertises her services, she notes that having her own children gives her "the practical experience to help you." She has also testified that her specialty is "adolescent issues".

Eichenwald's article did not mention Page's occupation, or her specialty.

Eichenwald did not talk, either, about the fact that for many of Justin's high-school buddies in Bakersfield, Justin's camwhoring hardly seems to have been a secret. Rob Vella recalls discovering porn of Justin when the two were 14 or 15, after he hacked into Justin's computer and found images of him – as Vella put it – "whacking off". According to a chat log that Vella saved and sent to *CounterPunch*, Justin warned Vella that if he didn't send the pictures back, "the FBI will be at your door." Furthermore, according to chat logs obtained by defense lawyers, other friends knew about the apartment and the camwhoring, but didn't care, and they even encouraged Justin.

That's because – again according to chat logs – Justin was not the only one using his apartment. His stepbrother and buddies were hanging out too, partying down with each other and with girls. Also, according to chat logs, Justin was forking over as much as $1,000 apiece to fund LAN parties – those get-togethers where computer geeks rent a hall, buy chips and drinks, put up prizes for winners, then stay up all night and play online games. In addition, Justin was doling out hundreds, even thousands of dollars to his pals.

The one person who seemed distressed by all this was Justin's girlfriend, given the pseudonym Michelle here to protect her privacy. Eichenwald noted that when Michelle told Justin to stop the camwhoring, she was contravened by insidious online predators, who cajoled with treacly blandishments such as, "Just try and remember, Justin, that she may not love you, but most of us in your chat room, your friends, love you very much."

What Eichenwald doesn't reveal is that according to chat logs Justin's actual friends – his age peers in Bakersfield – were pressuring him much more intensely.

In an instant messaging log from December 2002, Justin argues with his girlfriend after she has just implored him to stop giving sex performances on the web:

"Michelle, I'm whoring to help out some friends. It's the only way I can think of how to get that much money, instantly… it's a job, and I enjoy it… I guess you don't see what I'm trying to accomplish with my cam."

The dispute turns into a three-way, as Justin's friend Robby joins in. Michelle has been complaining that Justin is only camwhoring to pay for improvements to his Chevy Cavalier. Robby sends an instant message, directly to Justin, saying that Michelle "said you cared more bout your car than you did her. I was like, 'wtf [what the fuck], he saved all of our asses.'"

Michelle protests. Justin, she tells Robby, has "decided that certain things" are "more important than me."

"Like saving all of our asses?" retorts Robby "And helping everyone out? … So you think that saving my ass, Ian's ass, Hal's ass, Mark's ass, Peter's ass, Sam's ass ... and everyone else's ass, was less important than you? … Saving the LAN… Psh, who cares [about camwhoring] if you're helping other people? I don't see a problem." (all friends' names have been changed to protect their privacy.)

Robby instant messages Justin to comment about Michelle that "She's just jealous. Just say that her not letting you do this is her not helping Robby, Hal, Ian, Morgan, Sam, Peter, everyone in [Bakersfield LAN]. It's not like you're doing it for yourself. You're helping friends. It's not like you're having sex with people online. Just tell her that you are helping out friends that need you… All I can say… is bros before hoes."

Then, Robby instant messages Michelle: "You stupid whore."

(And Robby to Justin: "Is she on her period? She seems all mood swingy.")

Plus, there was Vic, the kid who wore nail polish and eye shadow to school. By the time he was 17 and Justin was 16, Vic was also camwhoring and the two were collaborating to make sex videos.

Vic was openly, sexually attracted to Justin.

"You know if I wasn't your friend, I'd be just like those other fucked up pedos," he instant messages Justin in one chat log. "I would be paying 500 bucks for you to take your shirt off."

"Heh bro. I love you," answers

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Justin.

" I love you too," writes Vic. " I'm doing this whole whoring thing for you just so you know… I want to make you happy with $$$"

Justin then gaves Vic a freebie by letting him spy on a show he is doing for a client. "Watch the cam," he said while performing for the paying viewer. "$350… I told him $350 to see me cumm."

"Nice :-)… fuck yeah!"

"I'll move the cam back so you can see."

"Hoe!..It' fuckin great… I love you. Seriously."

"I'm such a WHORE. I love it!...I love being a whore… fuck Michelle if she cares, fuck it."

"Dude, if we both get on cam… "

"I got an offer of $750 after Xmas, for two of us. Cool?"

"Sounds great."

Justin was helpful to his customers, too, according to chat logs. And though Eichenwald says nothing about this, Justin seemed unafraid of the police. He was even willing to assist them in catching some of his clients to make life easier for others.

One customer, 27-year-old William Bitzer, had become a friend. According to an FBI interview with Justin, Bitzer gave the teen $2,000 worth of auto parts for his Chevy. One night in late February 2003, Bitzer instant messaged with news that he'd recently been arrested in Anaheim, California, after conversing sexually on the net with a cop posing as a 14-year-old boy.

"I just spent 2 days in jail… for 'talking and stuff' to a 'kid' online," he writes.

"Shit!" replies Justin.

"I need some help, BAD," continues Bitzer.

"How can I help bro?" asks Justin. "U need people? I got people."

"It's a 3 for 1 trade… I help find and convict 3, then it's like a 'wash' for me."

Immediately, Justin sends Bitzer the name and address of a man in Texas – presumably one of Justin's camwhore customers.

"There's one," Justin instant messages. "He has child pornography."

Justin sends similar information regarding a man in Missouri. "There's two," he tells Bitzer.

Then Justin begins stinging people he is conversing with online at the same time he is communicating, separately, with Bitzer.

"Would you touch me in my private places?" Justin asks someone with the screen name Kevkevkev.

"Hehehe of course!" replies Kevkevkev.

"BAM and another one hits the dust," Justin types to Bitzer.

"What would we do in there?" he asks another correspondent.

"I would gently lay you down on my bed, and start to passionately kiss you on your lips."

" BAM and another one hits the dust… HAH BAM!!!… watch the HACKA AT WORK… HAHAHAHAHA I'M so fucking great," Justin brags to Bitzer.

"Fuck," replies Bitzer. "maybe we can SELL these guys to the cops? $$$$$

"Tell them I will sell them for $1K a piece," says Justin.

(It's not clear whether Justin's sting work helped Bitzer. Two months after his arrest, Bitzer pleaded guilty to several counts of child molesting, and of making and possessing child porn. None of the people whose names Justin gave Bitzer are currently listed as federal prisoners or as registered sex offenders in the states encompassing the addresses they gave Justin when they were his customers.)

As his messages to Bitzer make clear, Justin usually seemed cocky about the authorities, even though chat logs (and later trial testimony) indicate that he believed the cops were on to him by the time he was 16, and perhaps before that.

"Hey," someone wrote to him in December 2002, "Just a warning that your new site is being watched by the Feds. Be careful."

"There was a cop in your room last nite," wrote another. "He was asking shit about you… he said some shit that you [private messaged] him and said you would do a private [sex show] for like 250 bux or some shit like that."

"What would they do to an underage webwhore?" asks Justin.

"I don't know if they can throw [you] in jail or not for making underage porn since you are a minor."

"I'm skerd," replied Justin.

But he was less "skerd" than angry in late February 2003, after his old friend Rob Vella again hacked into his computer and found two recently made videos: one of Justin masturbating, and one of Vic doing the same. Vella sent the videos to mutual friends, and soon teenage Bakersfield was roiling with gossip about Justin and his gay porn biz. Justin became the butt of jokes and was beaten up by a boy. He was so infuriated with Vella – according to Vella – that he threatened to report him to the authorities for possessing the child porn videos. Exasperated, Vella called the Bakersfield police and gave them the material, along with Justin's name. "I never heard back from the cops," he told *CounterPunch*. A spokesman for the Bakersfield Police Department confirmed that police did speak with Vella in 2003. But he said that Justin was a juvenile then, so the department cannot comment about anything relating to him that they "did or did not investigate."

Vella said Eichenwald never contacted him.

Also in February 2003, Bitzer, the man just arrested in Anaheim, told Justin there was illegal material related to him on Bitzer's computers seized by the police. Justin responded with bravado, noting that he'd once had the same

Teenage Bakersfield was roiling with gossip about Justin and his gay porn biz. Justin became the butt of jokes and was beaten up by a boy.

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problem. "I got my computers taken and shit," he told Bitzer, "when the police came to my house last year for child pornograph[y]." But it didn't matter. "I have a fucking word way with those fuckers bro," Justin reassured Bitzer. "Trust me, I'm safe."

Eichenwald never mentioned that Justin believed the police knew about him. Nor did he note that during the last week of February 2003, Justin thought he was about to be arrested, and fled, almost in the dark of night, to Mexico.

It's not clear which crimes he was worried about. In addition to producing and distributing child porn, he was also involved in credit card theft, sitting in his apartment with at least a dozen numbers he'd purloined from the Internet, using them to order $5,000 worth of merchandise. Eichenwald does not mention this in his article.

For whatever reason, numerous chat logs indicate that Justin was so frightened on February 27 that he scheduled an early morning flight out of Bakersfield to Mazatlan, Mexico. Eichenwald does not talk about this, either.

Justin chose Mexico because his father, Knute Berry, had fled there weeks earlier. Knute had been running a therapeutic massage salon in Bakersfield, and was accused in 2002 of committing insurance billing fraud. Later that year, he was told that if he pleaded guilty he would spend a year behind bars, but if he went to trial and were convicted, he'd pull a seven-year sentence. He turned down the plea and jumped the border.

Now, Justin was preparing to join Knute. According to chat logs, he had his plane ticket, but there was still a problem. He was only 16, and as a minor he could not enter Mexico without his mother's legal permission.

At first she was reluctant to grant it.

"I'm going to Mexico," Justin instant messaged Gilo Tunno, the adult he'd had the sexual encounter with when he was 13 and who had signed his apartment lease. "I gotta get a notarized fucking letter from my mom, fuck… God damnit I need a notarized signed paper by my mom, and fucking she's saying I can't go see my dad… She said, 'I'm not going to waste all the money I spent on lawyers for nothing, I'm not going to break all the restraining orders.'"

"BEG your mom," answered Tunno. "Tell her there will be MORE lawyer fees if she doesn't sign it."

And that, apparently, is what Justin did (though Eichenwald says nothing about Page signing a notarized letter).

"Well I have some awesome news," Justin wrote a few hours later. "I called my mom last night. I'M GOING TO MEXICO TOMORROW MORNING … I will be safe there. They can't get a warrant for my arrest."

Thus, apparently, did Justin's mother, a therapist specializing in the problems of adolescents, send her adolescent to a foreign country with a foreign language, where he knew no one except for an accused felon and absconder with a long history of charges against him for lawbreaking – and of abuse and violence against this very adolescent.

Knute Berry would then knowingly and enthusiastically help Justin continue his porn-performance business and grow it to unprecedented levels. In Mazatlan, according to Justin, Knute set up a computer and video room, then recruited female prostitutes for Justin to copulate with on webcam. Justin was 16 when he commenced this activity. Not only did Knute approve, but on at least one occasion he operated the camera. Knute used some of the earnings to operate his new spa and to eat in expensive restaurants, Justin has testified and told the media. Justin used the remainder to buy items such as cocaine – apparently in tremendous quantities. He also used an enormous amount of marijuana, drank too much, and was heavily addicted to cigarettes. All this by the time he was only 18. But an 18-year-old is no longer a minor. As a child porn star, Justin was over the hill.

* * *

By the time Eichenwald discovered him, Justin had spent months at loose ends. He'd traveled between Mexico, the U.S.A. and London, sometimes accompanied by a man in his 30s, Greg Mitchel, who Justin later would tell the FBI was his "boyfriend" and who had been convicted several years earlier in Florida of possessing child pornography.

By the end of this period, Justin's online porn sites had gone largely dormant. During the 2004-2005 Christmas and New Year season, he passed through Bakersfield, visiting family and spending a little time with his old high-school friend, Rob Vella. In chat logs that Vella saved from that time, Justin talked about how he was taking college courses, designing websites, and embracing Christianity. He was also apparently having problems with marijuana and cocaine. In a discussion he and Vella had via the Internet about religion and whether he was learning about it, he told Vella, "I'm not interested in studying at the moment because it only confuses me more… I like my drugs but I believe in God. Because if there was no God we'd be fucked."

Vella, who is an atheist, responded, "Am I fucked? No."

"I am," answered Justin.

Not long before he turned 19, Justin joined Greg Mitchel in Virginia, where Mitchel ran a Sonic hamburger franchise. Teens hung around in the summer, and one, whom we will call David, was 14. Sometime in May or June, Mitchel began encouraging David to make videos of himself masturbating, using Mitchel's recording equipment. Eichenwald would later write in the *Times* that during the same period he had just contacted Justin and was communicating with him only online. However, in an audiotaped interview done of David by a private investigator employed by lawyers for one of the defendants charged after Eichenwald's piece was published, David says Eichenwald also was talking to Justin by phone. David describes grabbing the phone at least once, and chatting with Eichenwald. Back then, David, Justin and Greg Mitchel were unaware of Eichenwald's true identity and that he was a *New York Times* reporter. "We all didn't know his real name," David says on the tape. "All of us knew him as… Roy."

Sometime in early June, Eichenwald testified in Michigan recently, he was monitoring Justin's Yahoo fan club and saw a post "offering Justin for sale…

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for the night". Eichenwald said he was horrified. But he also deduced that Justin and his friends were broke and that he could stop the sale and make real contact with Justin if he sent a lot of money. Eichenwald said he and his wife decided he would accept a speaking engagement at a local community college, and use most of the fee to "save" Justin. (About men who communicated with him online, Justin later testified that "In order for them to have the ability to keep speaking with me, I asked for money or I wouldn't talk to them.) On June 8, Eichenwald Fed-Exed the $2,000. On June 9, Justin put the check in his bank account. Eichenwald has since said that he learned on the day Justin cashed the check that he spent it on radio-operated toys. But *CounterPunch* obtained a deposit slip filled out by Justin on June 9. It shows that Justin deposited the $2,000 late in the afternoon but withdrew only $300.

Then, sometime within the next ten days, Justin and Mitchel refreshed a long dormant website with new porn, including images of David masturbating with Justin. Justin also posted a "biography" telling viewers that 14-year-old David was 18.

Less than two weeks later, on June 30, Justin met Eichenwald for the first time at the Los Angeles International airport. There the *New York Times* man immediately told the porn star what he really did for a living and that he wasn't gay. He also handed Justin a copy of *Conspiracy of Fools*. On a witness stand in a later criminal trial, Eichenwald would tell about events surrounding this meeting. He'd been so afraid of Berry before coming face to face, he said, that he rented a convertible with the top down, whose interior arrangements precluded Justin placing his luggage anywhere but the trunk (he worried that Justin could have a weapon). With that level of fear, one wonders why Eichenwald didn't confine the rendezvous to the airport and the security of crowds.

Instead, the two went to a hotel, where each got his own room. But, Eichenwald also testified, Justin later went to Eichenwald's room – the room of a "private citizen," not a reporter – and used Eichenwald's computer to demonstrate the business he was involved in. Justin logged on and contacted men, who deluged him with messages that were "unbelievably debasing", according to Eichenwald – such as one person who "asked him the furthest [*sic*] distance he had ever ejaculated". According to Eichenwald's subsequent *Times* piece, "Justin's hands trembled" during these exchanges, and his "pale face dampened with perspiration".

Three months later David, the boy who'd made porn when he was 14 with the adult Justin, was located by the FBI and interviewed. Agents asked him about the man he had earlier known as Roy. By then, David knew who Roy really was. And, he said, Justin had told him something exciting. "Recently," the FBI interview has David saying, "Justin met a famous author, Kurt Ickenwald [*sic*]. Ickenwald was going to do a movie about Justin's life. Justin was to get paid approximately $500,000."

"Recently," the FBI interview has David saying, "Justin met a famous author, Kurt Ickenwald [sic]. Ickenwald was going to do a movie about Justin's life. Justin was to get paid approximately $500,000."

Justin has since said under court oath that he does "not recall" if he told David that Eichenwald talked to him about getting media deals. If Justin did tell David he was going to get rich with Eichenwald's help, it could be because he misunderstood the reporter, he was fantasizing, or he was lying. Rightly or wrongly, though, if Justin thought a Hollywood movie or a book was in the works, he could have felt pressure to tell Eichenwald a story of his life that would sell – and not necessarily a story that was factual. Justin has also testified that in February 2006 he turned down a book offer from ReganBooks – with an advance of $500,000. He said he rejected it because he was told he could not accept it and appear on *Oprah* before a book came out, yet he'd already been asked to be on *Oprah*. He said he believed he could communicate better on television to parents about the dangers of Internet webcamming than he could in a book. Justin testified recently that he has no book or movie deals currently on the table. Eichenwald's entry on his speakers' bureau website currently states that he has two Hollywood deals in progress, one involving Leonardo diCaprio and *Conspiracy of Fools* and the other a project based on his book on Archer Daniels Midland, *The Informant*, to be directed by Steven Soderbergh.

Eichenwald has testified that when he parted from his first, Los Angeles, meeting with Justin on July 1, the teen made a heartfelt vow to stop "debasing" himself with men. But there is evidence that, while working with Eichenwald as a source, Justin was either regaling the reporter with displays of mendacious "to catch a predator" prowess, or was still in the webcam demimonde. By early July 2005, he had moved to the home of cousins living about 30 miles from Eichenwald's home in Dallas. Justin has for years maintained a small website production business called "xpert-creations.com." In chat logs retrieved from his computer and dated July 12, 2005, a person with the moniker "Xp3rt" engages in the following conversation with "MNboi22":

Xp3rt: Hiya

NMboi: How are you

Xp3rt: Good

NMboi: asl [age/sex/location]?

Xp3rt: 16/m/tx… u?

MNboi22: 22 m mn. What you into…

Xp3rt: Money for shows?… I'm into $…

On July 26 – about four weeks after their first meeting – Eichenwald drove Justin to confer with the FBI. There Justin listed all the crimes for which he wanted immunity (child porn making, child porn distribution, recruiting children for porn when he was an adult, income tax evasion, credit card fraud, insurance fraud, and abetting

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Once Justin had called Gourlay his best friend and professed love for him. Now he was accusing this same man of violating him and destroying his life.

alien smuggling from Mexico). He also named the men who'd helped him in his porn business, and those who he said touched him sexually.

One of the latter, Gilo Tunno – who Justin told the FBI was the first adult he had a sexual experience with, at age 13 or so – had already been arrested months earlier for traveling from Oregon to Spokane to have sex with an 8-year-old. The charges had no relation to Justin, and by the time Eichenwald found Justin, Tunno was already convicted and in prison. Locked up, he was no longer someone children needed to be saved from.

The only other man on Justin's FBI touching list, his "boyfriend", Greg Mitchel, denied he had sex with Justin until he was 18 and in any event did not seem to have even met Justin until he was 17. The two traveled widely together, and the age of consent in most states is 16 or 17. Mitchel was eventually accused of and pleaded guilty to helping Justin produce and distribute child porn. As for touching, Justin complained that Mitchel "molested" him including when he was 18. It would have been very hard to successfully prosecute Mitchel for child sex abuse.

And that was the end of the FBI list as far as molesters were concerned. Only two men were on it, one already in prison and the other possibly innocent and very difficult to pin a child sex abuse rap on.

But there was another man: Justin's former computer tech mentor, Ken Gourlay.

Recently, Eichenwald testified that the day he drove Justin to his appointment with the FBI, the teen confided that he didn't want to rat on Gourlay because he was such a good friend. He then went through the entire FBI interview without mentioning Gourlay. Regardless, Eichenwald's subsequent article in the *New York Times* talked about the "man… from Ann Arbor" who had introduced Justin to pederasty at age 13. But hard evidence would later emerge that Justin was 15 when he first met Gourlay in person. Eichenwald's sole source for citing a much younger age, apparently, was his conversations with Justin.

The House of Representatives Committee on Energy and Commerce read Eichenwald's page-one *New York Times* article with its accusation against the man from Michigan. Four months later, the committee held a hearing about sexual exploitation of children over the Internet. Justin was subpoenaed to testify and duly sworn. Eichenwald was, too. So was Ken Gourlay. He invoked the Fifth Amendment, and sat stonily behind Eichenwald, listening to Berry cite the same false timetable about tender age and summer camp and molestation that the *Times* had printed months earlier.

Committee members listened to misinformation such as this, and to Eichenwald claim, baselessly, that child porn is a $20 billion-dollar business. They wondered whether the crisis should be answered with laws to restrict freedom of the Internet. There was talk of solving the problem with a new law named for Justin Berry.

As the hearing drew to a close, Rep. Michael Ferguson, R-N.J., had a question for Justin. "What do you think would be a fair sentence for the men that you say molested you?"

"I would hope they would get life", Justin replied.

Mr. Berry," intoned Rep. Greg Walden, R-Oregon, a former radio announcer. "Is there anybody in this room who you believe molested you?"

"Yes, Ken Gourlay," replied Justin, and he pointed his finger. The exchange was captured by C-SPAN. Once Justin had called Gourlay his best friend and professed love for him. Now he was accusing this same man of violating him and destroying his life.

"Thank you," said Walden.

Representatives from the Michigan attorney general's office were at the hearing and witnessed the exchange. Immediately afterward, they interviewed Justin and he made his first claim to law enforcement officials that he'd been molested by Gourlay. Five weeks later Gourlay was arrested. Last month he was tried for producing and distributing child pornography, for "enticing" a child by encouraging Justin to have sex with his girlfriend, and for having oral sex while Justin was at the computer camp, when Gourlay was 24 and Justin was a month shy of his 16th birthday.

At Gourlay's trial, Kurt Eichenwald served as a witness for the prosecution – which is how his $2,000 check came to light. He testified about a porn video he saw of Justin while reporting his *Times*' story. Nobody could find the film anymore; it had disappeared. But Eichenwald recalled seeing it, and said Gourlay was in it. Gourlay was convicted on all ten counts he was accused of, and will be sentenced in a few weeks to as many as twenty years. In addition, the investigation branched beyond Justin's accusations. Gourlay

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has also been charged with molesting another underage boy who – unlike Justin – calls himself gay, pursued Gourlay on the Internet, and once wrote him love letters.

Weeks after the Congressional proceeding, Justin Berry was hospitalized for what his mother testified was "a nervous breakdown". She said it followed an episode of "decompensation" that Justin experienced subsequent to seeing Gourlay at the hearing and doing his *J'accuse* on national TV. Eichenwald, too, has had psychological problems. On numerous talk shows, he has mentioned that as a result of working on the Justin Berry story, he developed posttraumatic stress disorder and received therapy paid for by the *New York Times.* Though he testified in Michigan that he saw the beginnings of many sex videos, he said he always turned them off before they advanced to the child porn stage. Even so, Eichenwald told Congress the day Gourlay was put on national show trial, "There were images I couldn't get out of my head when the lights went out."

One image may have been of Justin in a legal pose, first displayed on his website after he turned state's evidence and not removed until about the time he gave his nationally televised congressional testimony. The image – a photo – shows him looking pensive, anxious, in sunglasses and shirtless. Viewers who click under the picture are transferred to MyLiveWebCam.com/Teen-Cams. Justin implores them to enter and register. By so doing, they can "vote" for him. But they must act soon because he is already 19, and soon will be too old for the election.

* * *

On March 8, hours after *CounterPunch* first asked Kurt Eichenwald for an interview, including one by email, he announced that he was suing this writer for $10 million. Days later, *CounterPunch* again requested an interview, but this time a recorded one-on-one, by phone or in person. Eichenwald declined an interview unless it was conducted in Dallas with his lawyer present, or by email with questions and documents sent in advance. *CounterPunch* declined these terms. Justin Berry's attorney, Stephen Ryan, said Justin is "a witness in several upcoming trials" and cannot be "openly questioned by any journalist for many months, at the request of prosecutive authorities". Ryan offered to make his client available for "a handful of questions in writing," whose answers from Justin would be vetted by Ryan. *CounterPunch* also declined these conditions. Justin's mother, Karen Page, did not respond to several requests for an interview. His stepfather declined to be interviewed.

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